

# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

<b>IN THE MATTER OF THE COMPLAINT FILED BY OLAN GARCIA ON BEHALF OF A LITTLE BIT OF ITALY, SPEARFISH, SOUTH DAKOTA, AGAINST BLACK HILLS POWER AND LIGHT COMPANY REGARDING COLLECTION PRACTICES</b>	) ) ) ) ) ) )	<b>ORDER DISMISSING COMPLAINT AND CLOSING DOCKET  CE99-001</b>
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On February 23, 1999, the Public Utilities Commission (Commission) received a complaint from Olan Garcia on behalf of A Little Bit Of Italy, Spearfish, South Dakota (Complainant), against Black Hills Power and Light Company (BHPL). The Complainant claims that payment arrangements were made which included cancellation of an automatic bank payment option. The Complainant further claims that Black Hills Power and Light did not cancel the automatic bank payment function which caused the Complainant's bank account to become overdrawn. Service was disconnected and Black Hills Power and Light Company has assessed a deposit for restoration of service. The Complainant seeks the following relief: "We should be allowed to go on regular payments without a deposit."

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On March 25, 1999, at its duly noticed meeting, the Commission Staff informed the Commission that the parties had reached a mutually acceptable payment schedule and recommended that the complaint be dismissed and the docket closed. The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31 and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to dismiss the complaint and close the docket, it is therefore

ORDERED, that this complaint be dismissed and the docket be closed.

Dated at Pierre, South Dakota, this 30th day of March, 1999.

## CERTIFICATE OF SERVICE

## BY ORDER OF THE COMMISSION:

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: \_\_\_\_\_

Date: \_\_\_\_\_

(OFFICIAL SEAL)

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JAMES A. BURG, Chairman

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PAM NELSON, Commissioner

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LASKA SCHOENFELDER,

Commissioner